

Message

From: Alexander, Joshua [Alexander.Joshua@epa.gov]
Sent: 4/14/2022 10:35:23 PM
To: Blake, Ellen [Blake.Ellen@epa.gov]; Cohen, Sahrye [Cohen.Sahrye@epa.gov]; Looper, Catherine (she/her) [Looper.Catherine@epa.gov]
Subject: RE: Arizona Daily Star: Press Inquiry regarding Hudbay - Your assistance requested
Attachments: Army Corp email courtesy of Tony Davis.pdf; Pima County Regional Flood Control District Email courtesy of Tony Davis.pdf; Stu Email courtesy of Tony Davis.pdf; Hudbay 2nd letter.pdf; Hudbay 2nd plan set.pdf; Hudbay 3rd letter.pdf

Ellen,

Thank you for your email. I believe it to be a reaction to [Stu Gillespie at Earthjustice](#).

Sorry for any confusion from my last email. I am including the various documents Tony has sent me regarding this inquiry, including emails from Earthjustice, Army Corp, and Pima County Flood Control.

From Tony,

"I'm forwarding you an email from the Pima County Regional Flood Control District, in which the district forwarded me a set of attachments that include an April 12 correspondence from Hudbay Minerals Inc. to the county district in which it said that Hudbay was planning to start grading on the west slope on the same day, April 12, Tuesday. I've not yet been able to verify from Hudbay or other sources that this grading is actually occurring but I thought I'd pass this along FYI."

"I shall also momentarily forward you a second email, sent me before April 12, in which attorney Stu Gillespie of EarthJustice, representing three tribes including the Tohono O'odham Nation here in Tucson, told me why he thinks EPA needs to declare a "special case" in the Hudbay-west alope situation and interview now to stop Hudbay from grading until the company applies for and receives a 404 permit to deposit dredge and fill material on ephemeral washes on the west slope. I'm seeking a reply from you to Mr. Gillespie's statements as to why EPA either won't take such action. If possible, could you please reply by tomorrow or Monday at the very latest? As you probably know, Gillespie has already filed a notice of intent to sue to try to stop this grading from happening, but he can't actually file suit until early June, 60 days after filing the notice."

"Joshua, Below is the email that Stu Gillespie sent me early this week saying why he thinks EPA needs to take action now to stop Hudbay from grading and clearing land on the Santa Ritas' west slope. No more questions other than what I already said--I'd like to get EPA's reaction to his comments. **Will EPA declare a special case and take action to stop Hudbay from grading and clearing? Why or why not?**"

"Here is also an email that I just received this afternoon from the Army Corps. The last of Ms. O'Dell's three responses to my questions seems to strongly imply, although it doesn't directly say, that Hudbay needs a Clean Water Act permit to do construction involving discharging dredged and fill material on the west slope. FYI."

I hope this helps. Please let me know how else I can assist. Best, Josh

-----Original Message-----

From: Blake, Ellen Blake.Ellen@epa.gov
Sent: Thursday, April 14, 2022 3:20 PM
To: Alexander, Joshua Alexander.Joshua@epa.gov
Cc: Cohen, Sahrye Cohen.Sahrye@epa.gov; Looper, Catherine (she/her) Looper.Catherine@epa.gov
Subject: Re: Arizona Daily Star: Press Inquiry regarding Hudbay - Your assistance requested

Hi Josh,

Ex. 5 Deliberative Process (DP)

Ellen

Sent from my iPhone

> On Apr 14, 2022, at 3:02 PM, Alexander, Joshua <Alexander.Joshua@epa.gov> wrote:
>
> Tony has sent another email clarifying, "I'd like to get EPA's reaction to his comments. Will EPA declare a special case and take action to stop Hudbay from grading and clearing? Why or why not?"
>
> -----Original Message-----
> From: Alexander, Joshua
> Sent: Thursday, April 14, 2022 3:02 PM
> To: Cohen, Sahrye <Cohen.Sahrye@epa.gov>; Looper, Catherine (she/her) <Looper.Catherine@epa.gov>
> Cc: Blake, Ellen <Blake.Ellen@epa.gov>
> Subject: Arizona Daily Star: Press Inquiry regarding Hudbay - Your assistance requested
>
> Good afternoon!
>
> Tony Davis, the reporter with the Arizona Daily Star, has sent a follow up request. Tony is seeking a response on why EPA will not take action regarding Hudbay Minerals plan to start grading on the west slope on April 12.
>
> Some additional information from Tony, "EPA leadership met with leaders of the Tohono O'odham, Pascua Yaqui, and Hopi tribes, as well as Stuart Gillespie from Earthjustice, to discuss the cultural and environmental importance of the area and concerns about the proposed project. Regarding Hudbay's March 10, 2022 letter, the Los Angeles District of the U.S. Army Corps of Engineers wrote to Hudbay on April 6, 2022, requesting additional information on the proposed activities at the mining site. EPA will continue to closely coordinate with the Corps on jurisdiction and permit actions for the Rosemont mine and Copper World sites."
>
> Here is our previous response on this matter:
> EPA leadership met with leaders of the Tohono O'odham, Pascua Yaqui, and Hopi tribes, as well as Stuart Gillespie from Earthjustice, to discuss the cultural and environmental importance of the area and concerns about the proposed project. Regarding Hudbay's March 10, 2022 letter, the Los Angeles District of the U.S. Army Corps of Engineers wrote to Hudbay on April 6, 2022, requesting additional information on the proposed activities at the mining site. EPA will continue to closely coordinate with the Corps on jurisdiction and permit actions for the Rosemont mine and Copper World sites.
>
> Due date is COB Friday.
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> Any thoughts on how to respond? I appreciate your thoughts. Best, Josh
>
> Joshua Alexander Press Officer
> Office of Public Affairs
> U.S. EPA Region 9 (Pacific Southwest)
> (415) 214-5940 | alexander.joshua@epa.gov Follow us on Twitter: @EPAREGION9
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Joshua Alexander Press Officer
Office of Public Affairs

U.S. EPA Region 9 (Pacific Southwest)
(415) 214-5940 | alexander.joshua@epa.gov
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